

In the UNITED STATES DISTRICT COURT for
DISTRICT OF DELAWARE

LARRY W. RADER,

Plaintiff,

09c340 SLR

vs.

Motion & Order
(Atty Kinsel)

ING GROEP, N.V.,

ING DIRECT BANCORP,

ING BANK, fsb,

SHAREBUILDER SECURITIES CORPORATION, et. al.

Defendants.


2009 OCT 19 AM 9:57

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Motion to Quash Subpoena and Sanctions

Plaintiff moves the court to Quash the attached subpoena issued by William A. Kinsel, WSBA #18077, Of Counsel herein, as these bank records are the subject of Interrogatory demands by attorneys of record from the Montgomery Law Firm and are being provided under the protection of a Rule 26 protective order. (see current filings)

The subpoena covers a period from 12/1/08 to the present (well beyond any relevant period) and includes my saving account as well as my personal checking account which has no relevancy to this case and invades my privacy. The attached email has been sent to Attorney Donaldson. Plaintiff seeks relief from this unjust Injurious and onerous conduct.


Larry W. Rader, Plaintiff

715 845 3646

UNITED STATES DISTRICT COURT

for the
WESTERN DIST OF WASHINGTON

LARRY W. RADER,

Plaintiff

v.

ING BANK fsb, AND SHAREBUILDER SECURITIES
CORPORATION

Defendant

Civil Action No. 09-340-SLR

(If the action is pending in another district, state where:

DISTRICT OF DELAWARE

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES

To: U.S. BANK

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHED EXHIBIT A

Place: Kinsel Law Offices
2025 First Avenue, Suite 440
Seattle, WA 98121

Date and Time:

10/21/2009 05:00

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: October 6, 2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

William A. Kinsel,
Attorney's signature
WSBA # 18077

The name, address, e-mail, and telephone number of the attorney representing (name of party) ShareBuilder Securities, who issues or requests this subpoena, are:

William A. Kinsel, Esq. (admitted pro hac vice)
2025 First Avenue, Suite 440
Seattle, WA 98121 Phone: (206) 706-8148

EXHIBIT A

Definition:

"You" and "your" mean US Bank and any of its employees, officers, agents, consultants, representatives, subsidiaries, affiliates, predecessors, successors, or assigns.

"Account Holder" means Larry W. Rader, whose address is believed to be 2411 Ridgeway Drive, Wausau, Wisconsin 54401. Mr. Rader may also use the address of P.O. Box 684, Wausau, Wisconsin 54401.

"The Account" means Account # 282890452141, whether or not that Account is maintained at your branch assigned ABA # 075000022. For your information, the Account Holder may have referred to the Account # as 28289452141 (note the missing zero).

"Documents" means the original or copy of the original if the original has been lost, destroyed or is otherwise unavailable to you, and each non-identical copy (whether different from the original because of notes made on such copy or otherwise) of the following: all written, printed, typed, punched, taped, filmed or graphic matter, however produced or reproduced, of every kind and description, in your actual or constructive possession, custody, trust, care or control, including but not limited to any correspondence (including letters, emails, faxes, cables, telegrams and telexes), paper, book, record, memorandum, contract, agreement, invoice, receipt, cancelled check, drawing, sketch, work order, purchase order, change order, inspection report, log and/or diary of construction, progress billings, payment requests, payment certifications or approvals, claims for extras, or other materials which contain any verbal, graphic, electronic or pictorial information. This term further includes within its scope any and all computer media and the information stored therein, including but not limited to hard drives and floppy disks.

Instruction:

Unless indicated to the contrary, this subpoena duces tecum requires production of all records from December 1, 2008, through the date of your response.

Please note that while defendants believe that Larry W. Rader is the owner of the Account, this subpoena duces tecum is not premised on that belief. In other words, if the Account is owned by someone besides or in addition to Larry W. Rader, you are still required to produce the responsive documentation requested for the Account.

Documents:

1. Please produce any and all records pertaining to the opening and/or closing of the Account, including but not limited to the name, address, social security number and telephone number of the account holder(s), signature cards, and any other information useful in identifying the individuals accessing said account. This request requires the

production of documents created before December 1, 2008 up through the date of your response.

2. To the extent not produced in response to number 1 above, please provide any and all records pertaining to the opening and/or closing of any accounts with you by the Account Holder, including but not limited to the address and telephone number of the Account Holder, the name, address, social security number and telephone number of any other owners of those accounts in addition to the Account Holder, the signature cards, and any other information useful in identifying the individuals accessing said account. This request requires the production of documents created before December 1, 2008 up through the date of your response.
3. Please produce copies of all documents sent by you to the Account Holder from December 1, 2008 to the date of your response to these Discovery Requests.
4. Please produce copies of all documents sent by the Account Holder to you from December 1, 2008 to the date of your response to these Discovery Requests.
5. Please produce copies of all documents sent by you to ShareBuilder Securities Corporation at the request of, or on behalf of, the Account Holder from December 1, 2008 to the date of your response to these Discovery Requests.
6. To the extent not produced in response to the preceding requests, please produce all records pertaining to the Account and relating to any part of the period from December 1, 2008, through the day of your response. Responsive documents include but are not limited to bank statements, wire transfers, correspondence, or any of your internal work product (e.g., memos or notes) related to the account. If a responsive document, such as a monthly account statement, overlaps the start date, e.g., a monthly account statement begins on November 15, 2008, rather than December 1, 2008, produce the entire monthly statement without redacting any information therefrom.
7. If the Account Holder has other accounts with you instead of or in addition to the Account, produce the same documents for those other accounts as are requested for the Account in paragraphs 1 through 6 above.

From: Larry Rader [mailto:]
Sent: Thursday, October 15, 2009 8:32 AM
To: Donaldson, Richard
Subject: Re: RE USDC cases 9c544 & 9c340

Larry Rader <lwrader@gmail.com>
To: "Donaldson, Richard" <RDonaldson@mmwr.com>

Fri, Oct 16, 2009 at 10:11 AM

Mr. Donaldson, My heart problems have become complicated by another disease;
But what concerns me is that USBANK has notified me that Atty Kinsel has subpoenaed
my saving account records for 2141 and also my personal checking acct1960; This infor
is being provided in response to the interrogatory demands in 09c340. The subpoena cites this casse
but is issued out of USDC-WD WA. What justification is there for Mr. Kinsel to act when he is not addmitted
in DE? I have nothing to hide but have no way of getting a protective order. I am therefore advising you that
the pertinebt documents are part of the document response. Why this onerous duplication. I demand that
you
cease this conduct. I will file for a protective order and ask that you so advise Mr. Kinsel.
Please advise.

Certificate of Service

On 10/16/09, affiant avers that he sent the attached ~~Motion for Protective Order~~ *KINSEL MOTION/ORDER* to the clerk of court for filing and mailed a copy thereof first class mail or better, postage prepaid and affixed in proper amount to lead counsel of record for named defendants addressed to:

R. Montgomery Donaldson, Esq.
Lisa Swally Brown, Esq.
Richard G. Placey, Esq.,
Montgomery Law firm
1105 N. Market Street, Suite 1500,
Wilmington, DE 19801

*William A KINSEL, Esq -
KINSEL LAW OFFICES PLLC
2025 FIRST AVENUE, Suite 440
SEATTLE, WA 98221*

[Signature]
Larry W. Rader, plaintiff

Subscribed and sworn to before me
A notary public this 16 day of October, 2009.

*With copy of M. motion for Protective
order/Severities*

[Signature]
Wisconsin Notary

